

REMARKS

Claims 49, 51, 54 and 55 have been amended.

The Examiner continues to maintain the rejection of applicants' claims 49-55 under the judicially created doctrine of obviousness-type double patenting based on claims 1-2 of U.S. Patent No. 5,719,984 taken in view of Shimada et al. (U.S. Patent No. 4,575,772). The Examiner also has continued to maintain the rejection of applicants' claims 49, 51-52 and 54-55 under 35 USC § 102(b) as anticipated by the Shimada, et al. patent, and the rejection of applicants' claims 50 and 53 under 35 USC § 103(a) as unpatentable based on Shimada et al.

More particularly, in the Advisory Action dated October 6, 2003, the Examiner sets forth the same reasons for the above rejections as set forth in the Final Office Action dated April 9, 2003. Specifically, the Examiner states as follows:

"Shimada et al discloses in col. 4, lines 1-12 that DATA 1 is recorded in mode "01" and DATA 1 and DATA 2 are recorded in mode "11". The amount of DATA1 in mode "01" and DATA 2 in mode "11" are different. The position at which the data of the first type (DATA 1 in mode "01") is superimposed on a display screen in the first mode and the position at which the data of the first type (DATA 1 and DATA 2 in mode "11") is superimposed on a display screen in the second mode are different from each other because the amount of data (DATA 1 in mode "01" and DATA 1 and DATA 2 in mode "11") in two modes (mode "01 and mode "11") are different."

Applicants respectively again traverse the Examiner's rejections and submit that the Examiner, in repeating the same reasons for the rejection, has failed to consider and address applicants' arguments presented in the Response After Final Under 37 CFR § 1.116, filed on September 9, 2003. Applicants hereby incorporate those arguments herein by reference and repeat below pertinent portions thereof.

As above set forth, the Examiner has argued that the Shimada et al. patent teaches that

"the position at which the data of the first type (DATA 1 in mode "01") is superimposed on a display screen in the first mode and the position at which the data of the first type (DATA 1 and DATA 2 in mode "11") is superimposed on a display screen in the second mode are different from each other because the amount of data (DATA 1 in mode "01" and DATA 1 and DATA 2 in mode "11") in two modes (mode "01 and mode "11") are different." The Examiner's argument thus interprets the Shimada, et al. patent as teaching that the first type data in the first mode is DATA 1 and that the first type data in the second mode is DATA 1 and DATA 2. The Examiner has had to use this interpretation in order to sustain the Examiner's argument that the amount of first type data in the two modes is different.

While applicants disagree with the Examiner's interpretation of the Shimada, et al. patent and the Examiner's argument, even under such interpretation of the Shimada, et al. patent, it is evident that the patent fails to teach or suggest a device in which first type data is superimposed in a first mode and first and second type data are superimposed in a second mode, and the position in which the first type data is superimposed in the first mode differs from the position in which the first type data is superimposed in the second mode. As noted, in the Examiner's interpretation, only first type data is displayed in the first and second modes. Thus, the Shimada, et al. patent fails to recognize that the superimposing position of the first type data on the display is changed according to whether second type data is contained in the ID data with the data of the first type or not.

Furthermore, under the Examiner's interpretation of the patent, the patent fails to teach or suggest a device in which, depending on the display mode, the position at which character information is displayed is varied, even when the character information is not changed. As above noted, as interpreted by the Examiner, there is no mention in the Shimada, et al. patent, as

to whether the position of the character information is varied, even when the character information is not changed.


Applicant's independent claims 49, 51, 54 and 55, and their respective dependent claims, are thus believed to patentably distinguish over the Shimada, et al. patent. Claims 1 and 2 of the '984 patent fail to add anything to the Shimada, et al. patent to change this conclusion. Applicants' claims thus patentably distinguish over claims 1-2 of the '984 patent taken with the Shimada, et al. patent.

In view of the above, it is submitted that applicants' amended claims patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 682-9640.

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Respectfully submitted,

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